



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON ACS OF FAIRBANKS, INC. PETITION FOR DECLARATORY RULING AND OTHER RELIEF

### PLEADING CYCLE ESTABLISHED

CC Docket 96-45

Released Date: August 1, 2002

Comment Date: September 3, 2002

Reply Comment Date: September 17, 2002

The Wireline Competition Bureau seeks comment on ACS of Fairbanks, Inc.'s (ACS-F) Petition for Declaratory Ruling and Other Relief, which was filed on July 24, 2002.<sup>1</sup> ACS-F requests the Commission to declare that no competitive eligible telecommunications carrier (CETC) that provides supported services using loops purchased as unbundled network elements (UNEs) pursuant to Section 51.307 of the Commission's rules shall receive high-cost loop support under Sections 36.601, *et seq.*, and 54.307, unless the UNE price for the loop exceeds 115 percent of the national average loop cost calculated pursuant to Section 36.631.<sup>2</sup> ACS-F also asks the Commission to declare that no CETC whose loop costs are below this threshold will receive high-cost loop support, and to order the Universal Service Administrative Company to suspend high-cost loop support payments to any CETC that does not meet this requirement.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§1.415, 1.419, interested parties may file comments on or before **September 3, 2002** and reply

<sup>1</sup> See *ACS of Fairbanks, Inc. Petition for Declaratory Ruling and Other Relief*, filed July 24, 2002.

<sup>2</sup> See 47 C.F.R. §§ 36.601 *et seq.*, 36.631, 51.307 and 54.307. Generally, Section 54.307 provides that a CETC shall receive support for each line it serves in a particular service area based on the support the incumbent local exchange carrier (LEC) would receive for each such line, and that a CETC that uses loops purchased as UNEs to provide the supported services shall receive the lesser of the UNE price for the loop or the incumbent LEC's per line payment from high-cost loop support and Long Term Support, if any.

comments on or before **September 17, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24, 121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400. TTY (202) 418-0484.